

NOTICE OF PROPOSED AMENDMENTS TO THE LOCAL RULES, TO BE EFFECTIVE JANUARY 1, 2008

Date of Notice: **October 12, 2007**

Notice is hereby given that the Local Rules for the United States District Courts for the Northern and Southern Districts of Iowa will be amended effective **January 1, 2008**. The proposed amended Local Rules, together with a “redline” document showing the proposed changes from the current, January 1, 2006, version of the Local Rules, may be accessed at the courts’ web sites, www.iand.uscourts.gov ; www.iasd.uscourts.gov

Summary of the Proposed Amendments to the Local Rules

A set of comprehensive style amendments to the Federal Rules of Civil Procedure will take effect December 1, 2007. These amendments are the culmination of the “Style Project,” which was begun in 1992, with the goal of modernizing, standardizing, and simplifying the Rules. The “Style Project” amendments constitute a complete rewrite of the Rules from beginning to end. Although only a few of the amendments are substantive, virtually every rule has been reorganized, reformulated, or renumbered in some way. The Local Rules for the United States District Courts in Iowa are being revised to make them consistent with these changes. At the same time, other revisions to the Local Rules are being made to account for changes in the law and to address other issues that have come up during the two years since the Local Rules were last revised.

The following is a summary of the more significant changes that will be made to the Local Rules on January 1, 2008:

1. Current Local Rule 3.2, dealing with the filing of “Statements of Interest,” has been revised and moved to proposed Local Rule 7.1.¹ This change is to take into account new Federal Rule of Civil Procedure 7.1 dealing with the same subject.

2. The procedures for filing sealed documents have been clarified in proposed Local Rule 5.c and Local Criminal Rules 6.b and 7.1. When the court last revised the Local Rules on January 1, 2006, the court’s electronic filing system (CM/ECF) had only recently evolved to the point where parties were allowed to electronically file documents under seal. At that time, the court was not certain how those procedures would work in practice. The new Local Rules will reflect how this should be done correctly.

¹Current Local Rule 7.1 has been renumbered as Local Rule 7.

3. The 200-page limit on documents required to be filed electronically has been eliminated.² *Compare* current LR 5.3.e.2 *with* proposed LR 5.2.e.3. The technological limits in the courts' computer systems that gave rise to this page limitation no longer exist. The parties also will be required to electronically file administrative records, including records in Social Security cases, even if they exceed 200 pages in length, unless leave of court is granted to permit a paper filing. *See* proposed LR 5.2.g.9.

4. Under the amended Local Rules, the only three categories of documents not to be filed electronically are (1) state court records in state habeas proceedings, (2) exhibits from proceedings in court, and (3) documents the court orders not to be filed electronically in a particular case. *See* proposed LR 5.2.e.

5. The procedures for submitting to the court for approval a proposed scheduling order and discovery plan have been clarified in proposed Local Rule 16.b.

6. Current local Rule 24.2, relating to constitutional challenges, has been eliminated in light of new Federal Rule of Civil Procedure 5.1, which covers the same subject.

7. Current Local Rule 38.1, relating to jury demands, has been eliminated in light of Federal Rule of Civil Procedure 38, which covers the same subject.

8. Current Local Rule 56, governing motions for summary judgment, has been modified to remove the 200-page limit on electronically filed appendices.

9. Current Local Rule 83.4, governing audio and video recording, radio, television, photography, communication devices, and computers in the courtroom, has been modified to make it consistent with the applicable practices and administrative orders in the two districts.

10. Current Local Criminal Rule 5, governing the appeal and reconsideration of release and detention orders, has been amended to bring it in line with the applicable

²There are two significant points of interest relating to these changes. First, a presiding judge can, for good cause shown, grant a party leave to file a lengthy document in paper form only rather than electronically. *See* proposed LR 5.2.e.3. Second, with respect to filings totaling more than 100 pages in length, the filing party must deliver to the Clerk of Court, for use by the presiding judge, a paper copy of the filing, bound or fastened at the left margin and tabbed to facilitate ready reference. *See* proposed LR 5.2.g.8 and proposed LR 10.c.3; *see also* proposed LR 56.f, setting forth the same requirement for summary judgment appendices.

federal statutes and to make it consistent with Local Criminal Rule 59, governing generally appeals from orders entered by magistrate judges.

The public is invited to review and make comments on the proposed amendments to the Local Rules. Comments should be directed to Chief United States Magistrate Judge Paul A. Zoss of the Northern District, either by email to paul_zoss@iand.uscourts.gov, or by mail to the United States Courthouse, 320 Sixth Street, Room 104, Sioux City, Iowa 51101. Comments will be accepted through **November 20, 2007**.

The proposed amendments to the local rules will become effective only upon approval by the Article III United States district court judges of the districts. The planned effective date of the amendments is **January 1, 2008**.